

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 MCT-01

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 6086

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION USBERLIN

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AMCONSUL BREMEN

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AMCONSUL MUNICH

AMCONSUL STUTTGART

CINC USAFE RAMSTEIN

CINC USAREUR HEIDELBERG

CINC EUR VAIHINGEN

USNMR SHAPE

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AUTHORIZING "OPERATION TRASH." WHY HE NEGLECTED TO
OBTAIN THIS POLITICAL ASSURANCE IS NOT FULLY CLEAR AT
THIS TIME.)

A. THE LEFTWING OF THE SPD HAS EXPRESSED GREAT UNHAPPI-

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NESS OVER MAIHOFFER'S ACTION. TO MAINTAIN UNITY IN THE
RANKS, THE EXECUTIVE COMMITTEE ANNOUNCED ON FEBRUARY 28
THAT THE PARTY WOULD NOT TAKE A FORMAL POSITION UNTIL
THE BUNDESTAG COMPLETES ITS INVESTIGATION. THE SPD

STATEMENT ALSO CITED THE GENERAL PROBLEM OF BALANCING OFF THE DANGERS FROM TERRORISM AND THE NEED TO ASSURE PROPER USE OF BFV ORGANS IN A STRICT FRAMEWORK OF LEGALITY.

B. FDP CHAIRMAN GENSCHER HAS EXPRESSED "UNQUALIFIED" SUPPORT FOR HIS PARTY COLLEAGUE, MAIHOFFER. INDEED, THERE HAS BEEN LESS PUBLIC OPPOSITION TO MAIHOFFER'S ACTION FROM THE FDP THAN FROM ANY OTHER PARTY.

C. THE CDU/CSU OPPOSITION HAS NOT TAKEN A STRONG STAND IN PUBLIC, PARTLY DUE TO MAIHOFFER'S BRIEFING OF KOHL OVER THE WEEKEND. IT HAS EXPRESSED CONCERN AS MUCH OVER THE TRAUBE SURVEILLANCE AS OVER THE FACT THAT SECRET BFV DOCUMENTS LEAKED TO "SPIEGEL." THERE IS A GENERAL SENSE THAT THE OPPOSITION AGREES WITH MAIHOFFER'S DECISION ON GROUNDS OF NATIONAL SECURITY, BUT AT THE SAME TIME RESENTS THE FACT THAT, HAD A CDU MINISTER DONE THE SAME THING, THERE WOULD HAVE BEEN A FAR GREATER PUBLIC OUTCRY.

4. FOR HIS PART, TRAUBE HAS AND WITH SOME EFFECT--DENIED MAIHOFFER'S CLAIM THAT HE WAS UNIQUELY QUALIFIED TO HELP TERRORISTS GAIN ACCESS TO NUCLEAR MATERIAL. HE HAS CHALLENGED THE FRG TO PRODUCE INCRIMINATING EVIDENCE FROM ITS SURVEILLANCE FILE. IN FACT, THERE APPEARS TO BE NONE. THIS IS ONE OF THE REASONS WHY THE BFV TERMINATED THE SURVEILLANCE.) HE HAS ALSO DEMANDED THAT THE BUNDESTAG INTERIOR AFFAIRS COMMITTEE HEAR HIM OUT BEFORE ISSUING ITS REPORT.

5. THE "SPIEGEL" ARTICLE AND ITS AFTERMATH HAVE SENT A LIMITED OFFICIAL USE
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SHOCK-WAVE THROUGH MANY LEVELS OF THE FRG. SOME PERCEIVE A RHENISH VERSION OF WATERGATE, BUT MOST CRITICS ARE FOCUSSED ON A SINGLE CASE WHICH CONCERNS BASIC QUESTIONS OF CIVIL LIBERTIES--A DELICATE ISSUE IN THIS COUNTRY, FOR OBVIOUS HISTORICAL REASONS. IT IS MORE THAN SLIGHTLY IRONIC THAT MAIHOFFER, HITHERTO KNOWN FOR SCRUPULOUS INSISTENCE ON PROTECTION OF INDIVIDUAL LIBERTIES AGAINST THE STATE, HAS FALLEN INTO A PUBLIC WRANGLE OVER AN ISSUE WHICH REQUIRES THAT HE JUSTIFY AN INFRINGEMENT OF THOSE RIGHTS.

6. THIS IS NOT A CASE WHICH WILL SERIOUSLY DIVIDE THE COALITION PARTIES, ALTHOUGH THE SPD CAN TAKE SILENT COMFORT IN THAT, AT LAST, AN FDP CABINET MEMBER HAS ALSO TRIPPED IN A POLITICAL "AFFAIR." THIS ALSO IS NOT A CASE WHICH IS LIKELY TO DIVIDE THE COALITION AGAINST THE OPPOSITION--SENTIMENT IS RUNNING ACROSS PARTY LINES, NOT

ALONG THEM. THERE IS BROAD CONCERN OVER BOTH THE PRECEDENT OF THE BFV ACTION AND THE LEAK OF SECRET MATERIAL. MANY HAVE CALLED FOR GREATER PARLIAMENTARY CONTROL OVER BFV ACTIVITIES, BUT IN THE PAST THE BUNDESTAG HAS CHOSEN TO LEAVE THIS MATTER TO THE DISCRETION OF THE EXECUTIVE AND EXERCISE ONLY A POST HOC ABILITY TO CORRECT EXECUTIVE MISDEEDS. IT REMAINS TO BE SEEN WHAT ACTIONS--IF ANY--THE BUNDESTAG WILL DECIDE.

7. IN RECENT YEARS, WEST GERMANS HAVE BECOME INCREASINGLY SENSITIZED TO PROBLEMS OF INTERNATIONAL TERRORISM, THE IMPLICATIONS OF ATOMIC ENERGY IN THEIR LAND, AND QUESTIONS OF CIVIL LIBERTIES. IN A PERVERSE WAY, THE TRAUBE CASE COMBINES ALL THREE. WHATEVER NEW EVIDENCE EMERGES FROM THIS CASE--AND IT NOW APPEARS THAT "SPIEGEL" HAS PUBLISHED MOST OF IT--PUBLIC DISCUSSION ON THE IMPLICATIONS OF "OPERATION TRASH" WILL CONTINUE FOR SOME WHILE. WE BELIEVE THAT INTER ALIA THIS DISCUSSION WILL FURTHER HAMPER THE FRG'S EFFORT TO DISCUSS ITS ENERGY LIMITED OFFICIAL USE
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PROGRAM IN A DISPASSIONATE WAY, AND TO WIN PUBLIC SUPPORT FOR NUCLEAR POWER. OPPONENTS OF NUCLEAR PLANTS HAVE LONG SITED THE THEORETICAL ARGUMENT THAT TERRORISTS COULD GAIN CONTROL OF NUCLEAR MATERIAL AND USE IT FOR POLITICAL PURPOSES. THANKS TO THE TRAUBE CASE, THAT ARGUMENT HAS GAINED A GOOD DEAL OF PLAUSIBILITY. CASH

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